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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,281	11/30/2001	Rudolf Ritter	34183	6725
116	7590	03/18/2004	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			ZIMMERMAN, BRIAN A	
			ART UNIT	PAPER NUMBER
			2635	7
DATE MAILED: 03/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/998,281	RITTER, RUDOLF
Examiner	Art Unit	
Brian A Zimmerman	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 02 January 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-30 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: .

***Status of Application***

In response to the applicant's amendment received on 12/30/03. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-30 remain unpatentable for the reasons set forth in this office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The applicant claims priority to PCT/CH99/00299 however the applicant needs to perfect this claim of priority by fulfilling the requirements set forth in MPEP 1895. Specifically, the applicant needs to submit a certified translation of the PCT document and provide evidence that the PCT application was copending with this application.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-15,17,18,20,23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (6175922) and Bengeult (2002/0087992).

Bengeult shows an audio/video distribution system for an airplane where the distributions system sends entertainment data to the individual portable PDA devices

(see figure 2 item 88. Bengeult does not expressly show a wireless terminal and transceiver pair for each seat unit. Bengeult does use a local area network 56, and the examiner takes official notice that wireless local area networks are verily common in the art at the time of the invention. Bengeult central processing unit is wirelessly connected to the standard telephone system thereby allowing users to make telephone calls (inherently these would be bi-directional).

In an analogous art, Wang shows a PDA 200, which communicates with a matched transceiver unit 202. The PDA can be used to store identification data for checking traveler's authorizations. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a PDA for both access authorization and as a entertainment distribution device as evidenced by the art above since such would provide flexibility and multifunctionality to the PDA of the user.

Regarding the specific protocols claimed, it has been shown that the data generally transmitted using these protocols (telephone, video...etc) would have been obvious in view of the references cited above. It is also noted that these protocols are standard protocols used in the art. It is the position of the examiner that the use of these standard protocols to distribute the data set forth in the above references would have been a matter of choice by the applicant to choose which protocol standard to use.

2. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wand and Benguelt as applied to claim 1 above and further in view of the French Publication (0465456 A1) hereafter referred to as Lauryssen.

In an analogous art, Lauryssen shows a transportation system where entry and exit of the passengers is checked at the doors to the vehicle. This prevents unauthorized use of the vehicle and can provide information of when and how many passengers were present in the vehicle. This information is also used to determine billing statements to bill the passengers. See applicant's discussion of this reference in the background section of their application. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the user monitoring features of Lauryssen in the vehicle network discussed above in order to provide consolidated billing for travel and pay per view features.

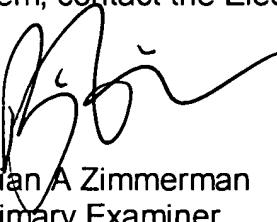
3. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang and Benguelt as applied to claim1 above, and further in view of Orlen (5579535).

In an analogous art Orlen shows personal communication device which transmits ads to the receiver (user) based on the geographical location of the receiver. This improves the usefulness of the receiver since location specific ads are of greater use than generic ads. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the geographically based ad delivery concept of Orlen to improve the usefulness of the above modified system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A Zimmerman  
Primary Examiner  
Art Unit 2635

BAZ